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PTO/SB/81 (02-01)  
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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/661,813
Filing Date	September 15, 2003
First Named Inventor	DASGUPTA, Sankar
Title	Energy Storage Device for
Group Art Unit	2838
Examiner Name	
Attorney Docket Number	P63902

I hereby appoint:

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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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BY:

☒ Firm or Individual Name **RICHES, McKENZIE & HERBERT LLP**

Address **2 Bloor Street East**

Address **Suite 1800**

City **Toronto** State **Ontario** Zip **M4W 3J5**

Country **Canada**

Telephone **(416) 961-5000** Fax **(416) 961-5081**

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

### SIGNATURE of Applicant or Assignee of Record

Name **Sankar DASGUPTA**

Signature ☒

Date ☒ **17 March 04**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of **1** forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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<input checked="" type="checkbox"/> Firm or Individual Name	RICHEs, McKENZIE & HERBERT LLP				
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City	Toronto	State	Ontario	Zip	M4W 3J5
Country	Canada				
Telephone	(416) 961-5000	Fax	(416) 961-5081		

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### SIGNATURE of Applicant or Assignee of Record

Name	James K. JACOBS
Signature	
Date	17 March '04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name	Rakesh BHOLA
Signature	x
Date	x March 16/04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of \_\_\_\_\_ forms are submitted.

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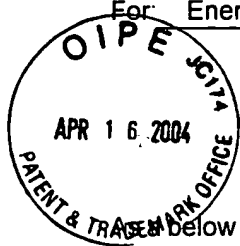
Applicant or Patentee: DASGUPTA, Sankar; JACOBS, James K. and BHOLA, Rakesh

Serial or Patent No.: 10/661,813

Atty. Dkt. No.: P63902

Filed or Issued: September 15, 2003

For: Energy Storage Device for Loads Having Variable Power Rates



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

I, the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled "[TITLE]" described in

☐ ( ) the specification filed herewith

☒ (x) application serial no.: 10/661,813, filed September 15, 2003

☐ ( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concerned or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ ( ) no such person, concern or organization

☒ (x) persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME ELECTROVAYA INC.

ADDRESS 2645 Royal Windsor Drive, Mississauga, Ontario, L5J 1K9, Canada

☐ ( ) INDIVIDUAL ☒ (x) SMALL BUSINESS CONCERN ☐ ( ) NON-PROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ ( ) INDIVIDUAL ☐ ( ) SMALL BUSINESS CONCERN ☐ ( ) NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR

SANKAR DASGUPTA

Signature of Inventor

X *Sankar Dasgupta*

Date

X 17 March 04

NAME OF INVENTOR

JAMES K. JACOBS

Signature of Inventor

X *JK Jacobs*

Date

X 17 March 04

NAME OF INVENTOR

RAKESH BHOLA

Signature of Inventor

X *Rakesh Bhola*

Date

X March 16/04

Applicant or Patentee: DASGUPTA, Sankar; JACOBS, James K. and BHOLA, Rakesh

Serial or Patent No.: 10/661,813 Atty. Dkt. No.: P63902

Filed or Issued: September 15, 2003

For Energy Storage Device for Loads Having Variable Power Rates

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ( ) the owner of the small business concern identified below:  
(x) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ELECTROVAYA INC.

ADDRESS OF CONCERN 2645 Royal Windsor Drive, Mississauga, Ontario, L5J 1K9, Canada

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Energy Storage Device For Loads Having Variable Power Rates" described in

- ( ) the specification filed herewith  
(x) application serial no. 10/661,813, filed September 15, 2003  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(d). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME ELECTROVAYA INC.

ADDRESS 2645 Royal Windsor Drive, Mississauga, Ontario, L5J 1K9, Canada

( ) INDIVIDUAL (x) SMALL BUSINESS CONCERN ( ) NON-PROFIT ORGANIZATION

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NAME OF PERSON SIGNING SANKAR DASGUPTA

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 2645 Royal Windsor Drive

Mississauga, Ontario, L5J 1K9, Canada

SIGNATURE

X Sankar Dasgupta

DATE

X 17 March 04

3/5/04